U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

## I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): August 28, 2020
ORM Number: NAO-2013-01921-JSH
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location[1]:
State/Territory: VA City: County/Parish/Borough: Mecklenburg County
Center Coordinates of Review Area: Latitude 36.706263 Longitude -78.125723

## II. FINDINGS

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

### B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

### C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)[3]

| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

Tributaries ((a)(2) waters):

| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
|---|---|---|---|
| A2-R4 | 340 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| B2-R4 | 70 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| C2-R3 | 217 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |

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[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.
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[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

| | | | |
|---|---|---|---|
| D2-R3 | 763 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| E2-R4 | 25 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| F2-R4 | 92 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| G2-R4 | 423 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| H2-R4 | 113 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| I2-R4 | 104 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| J2-R4 | 259 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| K2-R4 | 217 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| L2-R4 | 220 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| M2-R4 | 39 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| R-R3 | 603 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| S-R3 | 204 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| T-R3 | 194 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |

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|---|---|---|---|
| U-R4 | 685 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| V-R4 | 12 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| W-R4 | 298 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| X-R3 | 1619 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| Y-R4 | 735 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |
| Z-R4 | 80 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Naturally occurring surface water that contributes flow to an A1 water in a typical year |

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
|---|---|---|---|
| A-POW | 2.219 acres | (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Pond constructed on an A2 water |
| F-POW | 0.2618 acres | (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Pond constructed on an A2 water |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|---|---|---|---|
| A-PFO | 1.3289 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| A-PSS | 0.2026 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| D-PFO | 0.0124 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| E-PFO | 0.024 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| F-PFO | 0.0357 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |

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|---|---|---|---|
| F-PSS | 0.0933 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| G-PFO | 0.5527 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| I-PEM | 1.8179 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| I-PFO | 2.5646 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| I-PSS | 2.3401 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| J-PEM | 0.0825 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year. Wetland is an impounded wetland connected by culvert to downstream A1 – A3 waters. |
| K-PEM | 0.2572 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year. Wetland is an impounded wetland connected by culvert to downstream A1 – A3 waters. |
| L-PEM | 0.1269 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year Wetland is an impounded wetland connected by culvert to downstream A1 – A3 waters. |
| M-PFO | 0.1108 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| N-PFO | 0.0548 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| O-PFO | 0.1054 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| P-PFO | 0.0072 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |
| Q-PFO | 0.0084 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland directly abuts an A-1 - A3 water that contributes flow downstream in a typical year |

## D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

| Exclusion Name | Exclusion Size | Exclusion[5] | Rationale for Exclusion Determination |
|---|---|---|---|
| B-PFO | 0.0681 acres | (b)(1) Non-adjacent wetland | Wetland does not abut any jurisdictional A1- A3 waters |
| C-PFO | 0.1108 acres | (b)(1) Non-adjacent wetland | Wetland does not abut any jurisdictional A1- A3 waters |
| H-POW | 0.2872 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Open water pond that meets the C6 definition constructed wholly in uplands connected to downstream A1 – A4 waters by manmade conveyance |
| N2-POW | 0.0529 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Open water pond that meets the C6 definition constructed wholly in uplands connected to downstream A1 – A4 waters by manmade conveyance |

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| | | | |
|---|---|---|---|
| O2-POW | 0.0888 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | Open water pond that meets the C6 definition constructed wholly in uplands connected to downstream A1 – A4 waters by manmade conveyance |

## III. SUPPORTING INFORMATION

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

_**X**_ Information submitted by, or on behalf of, the applicant/consultant: Drawing entitled "Interstate Industrial Park", dated July 8, 2020 Corps date stamped as received August 6, 2020. Data sheets provided by the consultant received July 20, 2020
This information *is* sufficient for purposes of this AJD.

Rationale: The site is the site of an industrial park where sediment traps/stormwater basins were constructed. Several of the basins have converted to wetlands because they were abandoned and not maintained. The rest of the site remains in a near natural state.

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
_**X**_ Photographs: *Google Earth 1994, 2011, 2015, 2019*
___ Corps Site visit(s) conducted on:
_**X**_ Previous Jurisdictional Determinations (AJDs or PJDs): PJD NAO-2013-1921 April 7, 2017
_**X**_ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
___ USDA NRCS Soil Survey: *Title(s) and/or date(s).*
_**X**_ USFWS NWI maps: *reviewed July 30, 2020.*
_**X**_ USGS topographic maps: *Corpsmaps – July 30, 2020*

**Other data sources used to aid in this determination:**

| Data Source (select) | Name and/or date and other relevant information |
|---|---|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. **Typical year assessment(s):** Comparisons were made between google earth images and the APT tool precipitation data. Photos showing water present in ponds corresponded to normal conditions on the APT tool. The year 2015 appeared to be a dryer time based on google earth photos and the APT tool shows normal conditions. Based on this information it was concluded that water would flow from the ponds to A1-A4 waters in a typical year.

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C. **Additional comments to support AJD:** The site is an industrial park where sediment traps/stormwater basins were constructed in the early 2000's and 4 entities where constructed then or right after. Several of the basins have converted to wetlands because they were abandoned and not maintained. These wetlands meet all 3 parameters for a wetland and have groundwater influence. Ponds F and A were present prior to 1994. The large PEM wetland letter "I" was present prior to 1994.

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